

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUN 20 2001

CLERK
WESTERN DISTRICT OF TEXAS
[Signature]

VINTAGE AIR, INC.,

Plaintiff,

v.

DAVID STUTTS and
HOT ROD AIR, INC.,

Defendants.

CIVIL ACTION NO.
SA-01-CA-287-OG

REFERRAL ORDER

On this date came on to be considered the status of the above-styled and numbered cause. In accordance with the authority vested in the United States Magistrate Judge pursuant to Local Rule CV-72, and Appendix C, Local Rules for the Assignment of Duties to United States Magistrate Judges, and pursuant to 28 U.S.C. § 636(b), the instant action is hereby REFERRED to a United States Magistrate Judge for disposition of all pretrial matters.

I. MATTERS REFERRED

This reference confers the following duties upon the magistrate judge to whom this case is assigned, the parties and their counsel:

(1) The magistrate judge shall issue a scheduling order and order concerning pretrial matters in accordance with the established practice of the undersigned. The magistrate judge has discretion to extend or otherwise modify deadlines in the scheduling order upon a showing of good cause; however, once the magistrate judge has ruled on any matter, objections to and/or appeals from the magistrate judge's rulings shall not be considered good cause for the extension of any deadline.

(2) The magistrate judge shall rule on all pretrial motions, pursuant to 28 U.S.C. § 636(b)(1)(A). Where the magistrate judge's authority to make rulings is limited by statute, a recommendation to this Court shall be made in lieu of an order, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), unless all parties consent that the magistrate judge may rule on such otherwise exempt matters, pursuant to 28 U.S.C. § 636(c)(1).

(3) Unless the parties have consented to proceed to trial before the magistrate judge in accordance with the scheduling order and order concerning pretrial matters, the magistrate judge shall return the case to this Court upon the ruling and/or filing of recommendations on all pretrial motions pending at the time all documents under Local Rule CV-16(e) are submitted.

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II. MATTERS NOT REFERRED

This reference includes any pretrial matter not specifically mentioned above; however, this reference does not include the following:

(1) Motions for Temporary Restraining Orders and Preliminary Injunctions. This Court shall retain all motions for preliminary relief under Federal Rule of Civil Procedure 65. Such motions should be presented to this Court for disposition. Should the parties consent to hearing before the magistrate judge or should the Court find such hearing proper, Rule 65 motions shall be referred by separate order of this Court to the magistrate judge presiding over the other matters in the case.

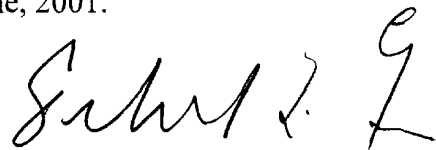
(2) Settlement Agreements. Should the parties reach a settlement of this case, they should contact the chambers of the undersigned judge in writing or by telephone. Upon being informed of a settlement, this Court will enter such orders as it finds proper to resolve the case.

III. OBJECTIONS AND APPEALS

Appeals from the magistrate judge's orders and objections to the magistrate judge's recommendations shall be made in compliance with 28 U.S.C. § 636(b)(1), Rule 72 of the Federal Rules of Civil Procedure, and Rule 4 of Appendix C to the Local Rules. Such objections and appeals shall be limited to issues first raised before the magistrate judge; failure to bring any defect in any order or recommendation to the attention of the magistrate judge prior to raising the issue before this Court shall be deemed a waiver of issue.

It is so ORDERED.

SIGNED and ENTERED on the 19 day of June, 2001.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE